IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 558 OF 2007

Abhyudaya Co-op.Bank Ltd. ...Petitioner
V/s.
State of Maharashtra & Ors. ...Respondents

ALONGWITH

WRIT PETITION NO. 559 OF 2007

Abhyudaya Co-op.Bank Ltd. ...Petitioner
V/s.
State of Maharashtra & Ors. ...Respondents

ALONGWITH

WRIT PETITION NO. 560 OF 2007

Abhyudaya Co-op.Bank Ltd. ...Petitioner
V/s.
State of Maharashtra & Ors. ...Respondents

Mr.C.J. Sawant, Sr.Counsel with Mr.V.C. Ghosalkar for the Petitioner.
Mr.S.U. Kamdar, Sr.Counsel with Mr.B. Colabawalla i/b. Mr.Satendra Kumar for Respondent Nos.3 to 7.

CORAM : V.M. KANADE, J.

DATED : APRIL 25, 2007

P.C. :-

1. Heard the learned Counsel for the petitioner and the learned Counsel for the respondent nos.3 to 7.

2. The petitioner is challenging the order passed

by the Assistant Registrar, Co-operative Societies, whereby he has issued Recovery Certificate for an amount of Rs.28,87,944/-.

3. It is submitted by the petitioner that three separate applications were filed in respect of three separate accounts. The Assistant Registrar decided and disposed of these three applications by a common order.

4. The learned Counsel for the respondents has raised preliminary objection. He submits that the petitioner has an alternate remedy of challenging the impugned order by filing a revision application under Section 154 of the Co-operative Societies Act. He submits that therefore, this petition is not maintainable as the petitioner has an alternate remedy.

5. The learned Counsel for the petitioner submits that in that event, the petitioner may be given opportunity to file a revision application under Section 154 of the Co-operative Societies Act and a direction may be given to the concerned authority to decide the

revision application on merits and that objection of delay in filing the revision application should not be raised before the concerned authority.

6. The learned Counsel for the respondents submits that they shall not raise the objection of delay in filing the revision application.

7. Consequently, the petition is allowed to be withdrawn with liberty to file revision application under Section 154 of the Co-operative Societies Act. The respondents shall not create any third party interests in respect of the property which is mortgaged by them with the bank. The revision application to be filed within a period of four weeks from today. A copy of the revision application to be furnished to the respondents within two weeks thereafter. The Revision application to be decided by the concerned authority, as expeditiously as possible and in any case, within a period of four months.

. Writ petition is disposed of in the above terms.

(V.M. Kanade, J.)